

REMARKS

**1. Status of the Claims and Nature of Amendments**

Claims 16-19, 22 and 24-35 remain in the application. All of the claims are once more finally rejected. The rejections include rejection of claims 16 and 18 under Section 112. Applicant thanks the Examiner for identifying several concerns in relation to clarity under Section 112. Claims 16, 17 and 18 are amended to address several issues, some of which were identified by the Examiner. All of the issues relating to Section 112 are fully discussed below.

The rejections of claims 16-19, 22 and 24-35 under Section 102 and under Section 103 are based on Nuovo 2004/0102230 alone or in combination with Mischenko '361; Gahl (2004/0082370); Montminy (2004/0211668); and Pontoppidan '716. As in the last final rejection, the outstanding office action characterizes the art rejections under Sections 102 and 103 as based on new grounds. However, a reading of the Examiner's argument indicates that the current rejections are based on substantially the same argument presented in the prior office action, although some of the argument has been modified in an effort to more clearly read the claims on the Examiner's combination. Indeed, it is not seen that the prior amendment filed October 9 2007 has at all modified the scope of the claims. If the Examiner disagrees, this should be made of record.

Applicant maintains that the features introduced in the prior amendment already render distinct and non-obvious combinations. The following argument focuses primarily on features which distinguish the independent claims 16, 32 and 35 over the art of record. Reconsideration of the rejection of claims is again requested in view of errors that have been brought to the Examiner's attention in the earlier responses. The Final Office Action does not appear to be responsive to all of the deficiencies applicant has identified in the art rejections.

Applicant also maintains that issues resulting from misinterpretation of the claim language have contributed to the final rejection. Accordingly, numerous clarifications are presented by way of amendment. The proposed amendment to the specification and the claims should be entered because the amendment to the claims does not modify the scope of the claims,

but, rather, adds clarity under Section 112 in order to assist the Examiner in allowing the non-obvious subject matter which is already of record. No new issues are raised.

Since the present amendment only addresses issues of clarity and creates no new issues, there is no reason to not enter this amendment. Indeed, the present amendment places this application in better condition for allowance or appeal.

## **2. Amendments Addressing Section 112 Issues and Argument Relating to New Rejections Under Section 112**

The specification is amended to correct a minor translation error of an apparent nature and to provide the reference numeral “31” for the recess specified in Claim 16. The reference numeral is also added to Figure 9 by way of the enclosed Replacement Sheet of Drawing transmitted herewith.

Claim 16 is amended to correct other errors of an apparent nature. In the paper filed in response to the Office Communication mailed on December 15, 2006, applicant had deleted reference to a first edge flange in lines 7 and 14 of the claim, so that lines 6-7 and 13-14 made reference to a first edge. During review of the claims in preparing this response, it was determined that other changes should have been made to render the revised language consistent. Neither the applicant nor the Examiner had identified this inadvertent error. Accordingly, now the word “flange” is deleted from lines 11 and 12 to be consistent with the recitations of a first edge instead of a first edge flange. Still, as before, the “first edge” may be read upon the flange 14. Thus, no new issues are created and the claim now more fully satisfies the requirements of Section 112. Since these amendments address error of an apparent nature, and no new issues are created the amendment should be entered.

Claim 16 was also rejected under Section 112 based on the amendment to the claim in the most recent prior response. The Examiner is asked to revisit the basis for this rejection, as the applicant has already provided full explanation as to why the amendment was made and there cannot be any issue of compliance with the written description. A more detailed explanation is now provided.

The following discussion addresses this new rejection of claim 16 under Section 112. This rejection is based on recent amendments to claim 16. Those amendments were not

necessary, but were made for the Examiner's benefit, i.e., to more clearly present distinctions (relative to the Nuovo reference) which the Examiner did not appear to recognize based on prior wording in the claim.

Prior amendment has been made to claim 16 for multiple reasons, and each reason has previously been expressly made of record. One particular reason for making the prior amendment to claim 16 was to remove potential for misunderstanding of the claim language by the Examiner. That is, the claimed "sealing first flange" is part of the first enclosure base body and is not part of the second enclosure base body. Also, to more clearly identify which "recess" is referred to in different passages in the claims, claim 16 was amended to refer to a second recess defined along the first edge. This "second" recess may be read upon the recess 31 of Figure 9 (See Replacement Sheet of Drawing transmitted herewith).

Applicant has also urged that, as best understood, the Examiner rejected claim 16 under Section 102 based on the Nuovo reference because the Examiner has either mis-interpreted the claim language or has mis-interpreted the Nuovo reference. The Examiner identifies in the Nuovo reference: edges 320 of the front face 3 (figure 22b) which "take the form of a flange that extends around the perimeter of the front face." See Par. [0078].

To fully distinguish the invention over Nuovo the prior amendment filed February 12, 2007 added features to claim 16 which are not found in any combination of the prior art. However, based on statements made in the subsequent, non-final office action (July 9 2007) it appears that the language used to distinguish the invention was misunderstood, again resulting in an incorrect rejection. The claimed "sealing first flange" was mis-understood to be a component of the claimed second enclosure base body.

Before submitting the amendment which resulted in the final rejection, applicant's claim 16 recited a first enclosure body comprising two components: a *first base body component* and a *second base body component*. The rejections, presented in the non-final office action of July 9 2007, based on Nuovo, were premised on the incorrect construction that applicant's *second base body component* was part of the claimed *second enclosure base body*. According to the structural arrangement of claim 16, the *sealing first flange* must be part of the first enclosure body. This is because the *sealing first flange* is part of the *first base body component* which is part of the first enclosure body. Thus it was incorrect to read the *sealing first flange* as part of the second enclosure body.

In preparing the response to the prior, non-final office action, applicant recognized the Examiner's misunderstanding. It is believed that this misunderstanding may have resulted from applicant's choice of the language *second base body component*. The *second base body component* is not the same as the *second enclosure base body*.

The term *second base body component* may have created confusion for the Examiner, which led to the rejection of claim 16. Accordingly, in the prior response, filed October 9 2007, applicant amended claim 16 to remove such potential for confusion. That is, the term *first base body component* has been replaced with the term **first component of the first enclosure base body**; and the term *second base body component* has been replaced with **second component of the first enclosure base body**.

Now, in rejecting claim 16 under Section 112, the Examiner contends there is no support for the new language. This cannot be. The term **first component of the first enclosure base body** reads directly on the *first base body component* shown in the figures; and the term **second component of the first enclosure base body** reads directly on the term *second base body component*. If the Examiner does not believe that the *first base body component* is a **first component of the first enclosure base body**, or that the *second base body component* is a **second component of the first enclosure base body**, the Examiner is invited to read the detailed description in conjunction with the figures. See, specifically, Figure 1 as well as the text at Par [0037] of the published application. By way of example, for the embodiment of Figure 1, the first enclosure base body 2 includes a hard component 8 and a soft component 4. Thus the claimed "first enclosure base body" may be read on the first enclosure base body 2. Moreover, the **first component of the first enclosure base body** can be read upon the hard component 8; and the **second component of the first enclosure base body** can be read upon the soft component 4. For all of these reasons, withdrawal of the rejection of claim 16 under 112 is requested.

The Examiner has pointed out potential confusion relating to the recitation in claim 18 of a fourth recess. After reviewing the Examiner's comments, applicant proposes to amend claims 17 and 18 to more correctly reference each recess. Claim 17 may now more correctly be read on Figure 9 wherein the edge formed by the flange 14 extends into the recess 30 formed along the body 9. Claim 18 now recites that a third flange may extend into a recess. The third flange may be read upon the flange 28 of Figure 9 and the second recess may be read upon the recess 31 of

Figure 9. Based on the above amendment it is submitted that each of claims 17 and 18 fully satisfy the requirements of Section 112.

## **2. Argument Relating to Final Rejection of Claim 16 Under Section 102.**

In addressing the rejections under Section 112, applicant has identified distinctions which apparently have not been addressed in the Examiner's response to applicant's argument. That is, the heading at page 3 of the Final Office Action is styled "*Response to Arguments*" but this does not appear to address the deficiencies of the claim 16 rejection which the Examiner has been made aware of. The rejection of claim 16 appears to be a copy of the former rejection except for minor changes which relate to the amendments last filed. As an example, the "*Response to Arguments*" fails to address the distinction that the *sealing first flange* of claim 16 must be part of the first enclosure body. This, alone, is sufficient basis to remove the rejection under Section 102. However, other distinctions are again noted.

As a second point of distinction, according to claim 16, the relatively soft material of the second component of the first enclosure base body is "formed against the hard base material" of the first component of the first enclosure base body. This provides another reason why applicant's claimed "relatively soft material of the second component of the first enclosure base body" cannot be read on the side frame 20 of Nuovo.

A third distinction between claim 16 and the prior art is that the *second recess* cannot be read upon the rails 22, 23 of Nuovo. This is because the *second recess* must be along the "first edge." The "first edge" of claim 16 cannot be read upon feature 320 in Figure 22b of Nuovo. With the foregoing explanation it should be clear that the "*first edge*" cannot be read upon feature 320 of Nuovo and the "*second recess*" cannot be read upon the feature 320. It is not possible to read claim 16 on the prior art. The Final Office Action has failed to respond to these points.

Examples of the structure defined in claim 16 are illustrated in Figures 8 and 9. In Figure 8, a first sealing flange 27 of relatively soft material is spaced apart from the flange 14 (which is the edge of the relatively hard component 8) and a recess 30 is defined along the edge 10. With this recess, and as shown in Figure 9, portions of the second component (base body) 9 are spaced apart from the first flange 14, i.e., the edge of the relatively hard component 8.

In the embodiment of Figure 9, a recess 31 is also defined between the sealing flange 27 and the edge of the hard component 8 which forms the flange 14. The second recess 31 may receive the additional sealing flange 28 that is formed on the second component (base body) 9. On the other hand, none of the claimed structure can be read upon the Nuovo reference. By way of example, the Nuovo reference does not teach or suggest a structure wherein:

“portions of the second component of the first enclosure base body are spaced apart from the first edge by a recess defined along the first edge”

If the Examiner disagrees, the Examiner is requested to explain her position such that applicant can amend the claims might be necessary.

### **3. The Rejections of Claims 32 and 35 Under Section 103 are not Supported by the References.**

Claims 32 and 35 were also again rejected based on the same bases as applied in the prior office action, this being a strained combination of Nuovo in view of Gahl. Applicant has already made of record that the rejection of claim 32 is premised on incorrect conclusions. Again, the office action still contends that the Gahl reference discloses “injecting a soft component forming an elastic seal onto the hard component ...” It is respectfully submitted that the reference does not disclose such subject matter. Specifically, the Gahl reference, at Paragraphs 10 and 13 (see page 14 of the Final Office Action) was again characterized as disclosing an elastic material. While the reference does relate to electrically conducting and non-conducting materials, this is not the same as “forming an elastic seal” as recited in independent claim 32. Moreover, the citation in the Gahl reference (par. 0013) does not even appear to suggest any difference in hardness such that either the first component or the second component would be characterized as the *hard component* or the *soft component* of claim 32.

The Examiner’s response to these arguments is not understood. At pages 14-15 the Final Office Action alludes to disclosure in applicant’s specification and appears to read the Gahl reference thereon. It is not understood how this relates to the requirement of reading the claimed

subject matter on a prior art combination. The Examiner is requested to again present the argument in a more conventional manner that comports with patent office procedure.

Another reason that the rejection of claim 32 should be withdrawn is that technical differences preclude combining the references under Section 103. The rejection relies upon Nuovo for disclosing hard components and soft components. Specifically, the rejection refers to Pars [0092] and [0106] of Nuovo, but the passages which the Examiner cites reference sapphire, which is a naturally occurring stone. Thus the Nuovo reference would have to be reconstructed to meet the terms of claim 32. Moreover, the Nuovo reference teaches use of ruby, e.g., sapphire, because it is “an attractive jewel” and it “will provide greater accuracy of fit of the key in the device ...”

For these reasons, it is submitted that claim 32 and the claims which depend therefrom are each distinct and non-obvious over any combination of the cited art.

The rejection of independent claim 35 under Section 103 over Nuovo in view of Gahl is also traversed. The rejection is not understood because applicant claims “a flange, formed along and spaced apart from the edge perimeter” and the claim also requires that

*... the flange comprises an elastically deformable material, wherein the base body is made from a hard plastic and the flange is made from a softer plastic compared to the hard plastic...*

The Examiner’s combination of Nuovo and Gahl appears to lack features called out in claim 35. The rejection does not identify with specificity all of the features of Nuovo and Gahl which the Examiner relies upon. However, the Examiner’s reference to paragraph [0098] of Nuovo indicates that, in lieu of a flange comprising elastically deformable material, Nuovo discloses a silicon sealant 69. Thus Nuovo does not appear to disclose the claimed flange. In response to applicant’s request that the Examiner explain exactly how the references are being applied, the Examiner has provided a response without support, suggesting at page 18 of the Final Office Action that “edges of the front face take the form of a flange ...” At best this is speculative and such conjecture is insufficient to reject the claim.

In summary, instead of merely requiring an edge perimeter adapted to contact a mating surface, claim 35 requires

“a flange, formed along and spaced apart from the edge perimeter, extending in a direction to press against the mating surface when contact with the mating surface is made ...”

Neither the Nuovo reference nor the Gahl reference teaches or suggests this structure. Moreover, for reasons recited above with regard to claim 32, the Gahl reference does not teach or suggest a

“base body ... made from a hard plastic and ... [a] flange ... made from a softer plastic compared to the hard plastic, and wherein the base body and the flange form an integral part and are made by using a two-color injection molding process.”

Also, with regard to both 32 and claim 35, it would be incorrect to rely upon disclosure in Nuovo of sapphire material to meet the terms of this claim, e.g., a base body made from a hard plastic, because sapphire is not made with an injection molding process.

## 5. Conclusion

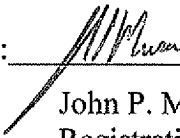
It is again respectfully submitted that no combination of the art of record suggests the claimed invention. In view of the amendments the application is in better condition for allowance. Also, in view of the argument now presented, each of the claims is allowable over the prior art and the Examiner is asked to pass this application to issuance.

The Commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: 2/27/08

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